

69 - 25 - 06

REVB98246015US PRe
ZML



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Philip Simpson et al. Docket No.: 029011-0308042
Serial No.: 10/771,093 Client Ref. FLEX-002U
Filing Date: February 2, 2004 Group Art Unit: Unknown
Examiner: Unknown
For: **MANIPULATION AND CUTTING SYSTEM AND METHOD**

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT-
OFFICE ACTION NOT RECEIVED

Dear Sir:

The undersigned attorney for application hereby states:

1. The Notice to File Missing Parts, mailed from the US Patent Office on August 2, 2004, was not received.
2. The Notice of Abandonment mailed from the US Patent Office on April 6, 2005, was not received.
3. A search of the file jacket and the docket records in my office indicates that these documents were not received.
4. The correspondence address for this application and our office address is 2475 Hanover Street, Palo Alto, California 94304. Please see attached Exhibit A evidencing correspondence address (copy of transmittal documents submitted with initial application filing on February 2, 2004).
5. Attached hereto as Exhibit B is the docket record for the above-referenced matter where the non-received Notice to File Missing Parts and Notice of Abandonment would have been entered had they been received and docketed. Specifically, see Exhibit B,

09/26/2006 MGEBREAK 00000077 033975 10771.093
01 FC:1462 page 2 Under "Event by no."
400.00 DA 10771.093

6. No document filed by Applicant's attorneys in this matter has ever evidenced any other address but the correspondence address of 2475 Hanover Street, Palo Alto, California 94304.

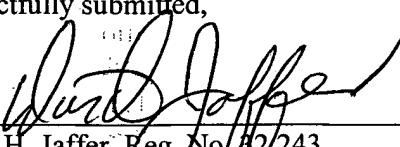
7. As additional evidence of non-receipt of the Notice to File Missing Parts and Notice of Abandonment, I attach hereto as Exhibit C a Statement from my paralegal, Bridgette M'Guinness, outlining her telephone conversation with the US Patent Office, Office of Initial Patent Examination (OIPE).

In consideration of these submissions, it appears that the Notice to File Missing Parts and Notice of Abandonment were mailed to an incorrect address through error at the Patent Office. It is respectfully requested that the holding of abandonment be withdrawn.

Authorization is hereby made to charge the subject Petition fee of \$400.00 to deposit account number 03-3975 (reference: 029011-0308042). However, Petitioner hereby requests that the Patent Office waive this fee since this abandonment occurred due to an error at the Patent Office. Please charge any additional fees and/or credit any overpayment in the manner authorized above.

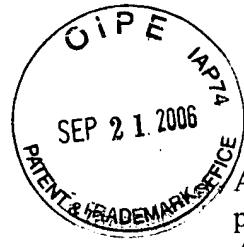
Dated: September 21, 2006

Respectfully submitted,



David H. Jaffer, Reg. No. 32,243
Customer No.: 21498

PILLSBURY WINTHROP SHAW PITTMAN LLP
Intellectual Property Group
P. O. Box 10500
McLean, VA 22102
Tel: (650) 233-4500
Fax: (703) 770-7901



CERTIFICATE OF EXPRESS MAIL MAILING

I, Diana Dearing, hereby certify that the attached Petition to Withdraw Holding of Abandonment – Office Action Not Received along with any attachments and return receipt postcard are being deposited with the U.S. Postal Service as “Express Mail Post Office to Addressee,” mailing label no. EV698246015USUS in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on September 21, 2006.

Diana Dearing
Diana Dearing



EV 382010265 US

UNITED STATES POSTAL SERVICE®

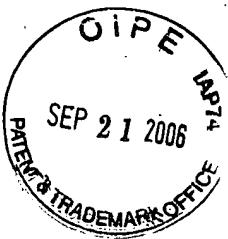
Post Office To Addressee

ORIGIN (POSTAL USE ONLY)		DELIVERY (POSTAL USE ONLY)	
PO# <i>091128</i>	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Time <i>12 Noon</i>	Employee Signature <i>CO. FER</i>
Date In <i>7 26 2004</i>	Postage <i>\$ 1.365</i>	Mo. Day <i>Mo. 7 Day</i>	Delivery Attempt <input type="checkbox"/> AM <input type="checkbox"/> PM
Time In <i>2 236</i>	Military <i>12 Noon</i>	Mo. Day <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature <i>CO. FER</i>
Weight <i>.9 lbs.</i>	Int'l Alpha Country Code <i>176</i>	Mo. Day <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Delivery Date <i>7/26/2004</i>
lbs. <i>.9 oz.</i>	COD Fee <i>\$</i>	COD Fee <i>\$</i>	Employee Signature <i>CO. FER</i>
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Of Liability <i>Signed</i>	Total Postage & Fees <i>\$ 1.365</i>	Delivery Method <input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Handled <input type="checkbox"/> Priority <input type="checkbox"/> Customer Signature <i>CO. FER</i>
METHOD OF PAYMENT <i>Express Mail Commercial Acct. No. 6296110305042</i>		Federal Agency Acct. No. or Postal Service Acct. No. <i>CO. FER</i>	
FROM: (PLEASE PRINT)		TO: (PLEASE PRINT)	
<i>ATTN: James E. Rankin</i>		<i>Commissioner For Patents</i>	
<i>P.O. BOX 1450</i>		<i>ALEXANDRIA</i>	
<i>2475 RENWUER SPRING LIP</i>		<i>VA 22313-1450</i>	
<i>PALO ALTO, CA 94304-1114</i>		<i>Patent Application</i>	
<i>6296110305042</i>		<i>CO. FER</i>	

PRESS HARD
You are printing 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com

Exhibit A

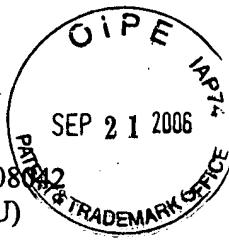


BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Attorney's Docket No. 029011/0308042
(Flex-001(U))



TRANSMITTAL FOR NEW PATENT APPLICATION

Transmitted herewith for filing is the Patent Application of:

Philip J. Simpson et al

For: **Manipulation and Cutting System and Method**

ENCLOSURES

- 15 page application including specification, claims and abstract;
- 18 sheets of informal drawings;
- A Declaration, Power of Attorney (Unsigned).
- A postcard for return to us as proof of receipt of the above documents.

And

- An Assignment of the invention to and an assignment cover sheet;
- A Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)
- Applicant Claims Small Entity Status;
- An associate power of attorney;
- A certified copy of country patent application number (priority document) is enclosed.

TYPE OF FILING

- This application claims the benefit of an earlier filed U.S. Patent Application under 35 USC 120.
- Please accord Applicant the benefit of the priority date of January 31, 2003, to this case pursuant to 35 USC 119. Applicant's claim for priority is based on application serial no. 60/444,326 filed in the U.S. Patent and Trademark Office on said date.
- This is an application filed pursuant to 37 CFR 1.53, permitting receipt of a filing date upon filing of specification, claims and drawings, if required, with applicant being given a period of one month from the date of notice to file the fee and oath or declaration.
- In the event any parts of this application are incomplete, please treat this as a filing under 37 CFR 1.53 as defined just above.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail No. EV382010265US addressed to the Mail Stop: PATENT APPLICATION, Commissioner for Patents , P.O. Box 1450, Alexandria, VA 22313-1450 on February 2, 2004 by Cora Baliton.



Cora Baliton

FEE CALCULATION

The filing fee has been calculated as shown below:



SMALL ENTITY	OR	OTHER THAN A SMALL ENTITY	
BASIC FEE Design Patent	\$170	\$340	\$
BASIC FEE Utility Patent	\$385	\$770	\$ 385.00
EXTRA FEES		RATE FEE	RATE FEE
TOTAL CLAIMS	MINUS 20 =	X \$9 =	x \$18 =
INDEP. CLAIMS	MINUS 3 =	X \$43 =	x \$86 =
<input type="checkbox"/> MULTIPLE DEP. CLAIM		+ \$145 =	+ \$290 =
<input type="checkbox"/> ASSIGNMENT		+ \$ 40 =	+ \$40 =
<input type="checkbox"/> RULE 53 SURCHARGE		+ \$65 =	+ \$130 =
TOTAL			\$ 385.00

FEE PAYMENT

- Attached is Check No. _____ in the sum of \$ _____ to cover the basic filing fee.
- Fee not enclosed.
- Please charge Account No. 03-3975 the sum of \$ 385.00.

FEE DEFICIENCY

- The Commissioner is authorized to charge (or credit any overpayment) to deposit account No. 03-3975:
 - Any additional filing fees required under 37 CFR 1.16, except Rule 53 filings, which will be paid within the time permitted by PTOL 1533.
 - Assignment Recordal fees.
- The filing fee and surcharge under 37 CFR 1.16, patent application processing fees under 37 CFR 1.17 and patent issue fees under 37 CFR 1.18 are intended to be paid by our firm as they arise. As no abandonment is intended by any inadvertent nonpayment of fees, the Commissioner is hereby authorized to charge payment of such fees as from time to time come due, if not paid prior to due date to our Deposit Account No. _____.
- A duplicate copy of this sheet is enclosed.

Respectfully submitted,

James E. Eakin
Reg. No. 27,874

Dated: February 2, 2004

PILLSBURY WINTHROP LLP
2475 Hanover Street
Palo Alto, CA 94304-1115
Telephone: (650) 233-4500
Facsimile: (650) 233-4545



Country Application

Friday, August 25, 2006 Page: 1

Client-Matter: 029011-0308042

Country: US

Client: Flex Partners, Inc.

United States of America

Attorney 1: Jaffer, David H.

Attorney 2: Massey, Bridgette E.

Attorney 3:

Attorney 4:

Billing Attorney:

Case Type: ORD

Resp.Office: SV

Application Status: Pending

Status Date: 27-Jun-2006

Application Number: 10/771093

Filing Date: 02-Feb-2004

Publication Number:

Publication Date:

Patent Number:

Issue Date:

Parent/PCT Number: 60/444326

Parent/PCT Date : 31-Jan-2003

Parent Patent Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date:

Confirmation Number:

Patent Term Adjustment: 0

Agent: 8452

PILLSBURY WINTHROP SHAW PITTMAN LLP

Agent Reference No.:

Tax Agent:

Tax Pay Status: PAY ON INSTR

Tax Start Date:

Remarks: PatentPrsc - US Filing/US Origin (Inserted By: Cora Baliton. FirmWorkId: 26541)

Search report dated 2/14/05 received for related matter no. 0308092. B. Massey 5/23/05 email, IDS/ISR has been filed.;

STATUS - USPTO website 05/23/06 - 10/771093 filed on 02/02/2004 is Abandoned - claims benefit of 60/444326

8/24/06 fax from IAC re: enclosed signed status inquiry dated 6/26/06; notice of abandonment dated 4/6/05; notice to file missing parts dated 8/4/04.

Priority Cases

Client	Matter	Ctry	Application Number	Filing Date	Case Type	Family Number
029011	0301317	US	60/444326	31-Jan-2003	PRO	

Country Application

Friday, August 25, 2006

Page: 2

Event Log

Event	Document Filed	
	Event Date	at PTO
Declaration and Power of Attorney	02-Feb-2004	<input checked="" type="checkbox"/>
Informal Drawings	02-Feb-2004	<input checked="" type="checkbox"/>
Patent Applications	02-Feb-2004	<input checked="" type="checkbox"/>
specification, claims and abstract	02-Feb-2004	<input checked="" type="checkbox"/>
USPTO/Postcard acknowledgment	02-Feb-2004	<input type="checkbox"/>
Status Inquiry (faxed to PTO)	15-Jul-2005	<input checked="" type="checkbox"/>
Status Inquiry filed - via certificate of mailing	26-Jun-2006	<input type="checkbox"/>

Family Numbers

Client-Matter	Ctry	Case Type	Application Number	Filing Date	Patent Number	Issue Date
029011-0301317	US	PRO	60/444326	31-Jan-2003		
029011-0308092	WO	ORD	PCT/US2004/002874	02-Feb-2004		
029011-0308042	US	ORD	10/771093	02-Feb-2004		

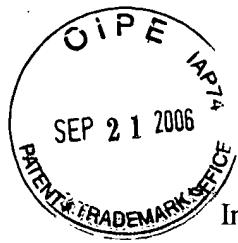
List Of Actions

Action(s) Due	Due Date	Action Taken	
US-Utility Convention Due	31-Jan-2004	Final	02-Feb-2004
Information Disclosure Stmtnt	02-May-2004	Due Date	02-May-2004
Application Status Check	02-Apr-2005	Reminder	15-Jul-2005
IDS/ISR	14-May-2005	Due Date	23-May-2005
Application Status Check	02-Aug-2005	Due Date	15-Jul-2005
Application Sta Follow Up Date	15-Jan-2006	Due Date	13-Jan-2006
Application Status Check	15-Feb-2006	Due Date	15-Feb-2006
Application Status Check	15-May-2006	Due Date	15-May-2006
Status Check	26-Aug-2006	Due Date	

User ID: ungerk

Date Created: 28-Jan-2004

Last Update: 25-Aug-2006



U.S. PATENT AND TRADEMARK OFFICE

In re International Application of: Philip Simpson et al.
Application No.: 10/771,093
Filing Date: February 2, 2004
Title: "Manipulation and Cutting System and Method"
Agent's Ref: 029011-0308042 (FLEX- 002 U)

MAIL STOP: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF BRIDGETTE M'GUINNESS

Dear Sir:

I, the undersigned, state as follows:

1. I am a patent paralegal employed by Pillsbury, Winthrop Shaw Pittman LLP and I work directly for David H. Jaffer, attorney of record in this matter. Our office address is 2475 Hanover Street, Palo Alto, California 94304.

2. On August 25, 2006, I had a teleconference with Mr. Williams of the US Patent Office, Office of Initial Patent Examination.

3. During this teleconference I requested the current status of the subject application. Mr. Williams indicated the following:

(a) a Notice of Missing Parts was mailed from the US Patent Office on August 2, 2004 to the Pillsbury Winthrop office in Washington, D.C.

(b) Mr. Williams confirmed that the Notice to File Missing Parts was returned to the US Patent Office on August 24, 2004.

(c) a Notice of Abandonment was mailed from the US Patent Office on April 6, 2005 to the Pillsbury Winthrop office in Washington, D.C.

(d) Mr. Williams confirmed that the Notice of abandonment was returned to the US Patent Office on April 26, 2005.

I state under penalty of perjury that the foregoing is true and correct.

Date: 9/21/2006

Bridgette M. Guinness
Bridgette M. Guinness